IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 31601 of 2006(K)

PETITIONER:

VALSAMMA JOSEPH,
PROFESSOR, COLLEGE OF NURSING, KOTTAYAM.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. SMT.JOLLY JOSE,
PROFESSOR, COLLEGE OF NURSING, KOZHIKODE.

BY ADV. SRI.P.R.RAMACHANDRA MENON
GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.31601/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE NOTIFICATION ISSUED BY THE GOVERNMENT DATED 28.5.2001.

EXT.P2: TRUE COPY OF THE NOTIFICATION ISSUED BY THE GOVERNMENT DATED 6.07.2002.

EXT.P3: TRUE COPY OF THE NOTIFICATION ISSUED BY THE GOVERNMENT DATED 6.2.2004.

EXT.P4: TRUE COPY OF THE G.O.(RT)NO.431/2003/H&FWD DATED 6.2.2003.

EXT.P5: TRUE COPY OF THE ORDER DATED 20.12.2004 DECLARING THE PROBATION OF THE PETITIONER IN THE CADRE OF PROFESSOR.

EXT.P6: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 17.10.06.

EXT.P7: TRUE COPY OF THE ORDER ISSUED BY THE GOVERNMENT DATED 29.9.06.

2ND RESPONDENT'S EXHIBITS

EXT.R2(a): TRUE COPY OF THE G.O.(RT)NO.2142/98/H&FWD DTD 22.08.98 ISSUED BY THE 1ST RESPONDENT.

EXT.R2(b): TRUE COPY OF THE G.O.(RT)NO.2143/99/H&FWS DTD 29.07.99 ISSUED BY THE 1ST RESPONDENT.

EXT.R2(c): TRUE COPY OF THE G.O.(RT)NO.2900/92/H&FWD DTD 02.12.92 ISSUED BY THE 1ST RESPONDENT.

EXT.R2(d): TRUE COPY OF THE REPRESENTATION DTD 14.06.99 PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.R2(e): TRUE COPY OF THE NOTICE OF HEARING DTD 20.03.01 ISSUED TO THE PETITIONER.

EXT.R2(f): TRUE COPY OF THE JDUGMENT DTD 28.06.02 PASSED BY THIS HON'BLE COURT IN OP 17663/02 FILED BY THE PETITIONER.

EXT.R2(g): TRUE COPY OF THE LETTER F.NO.13-1/97-INC DTD 12.02.04 ISSUED BY THE INDIAN NURSING COUNCIL, NEW DELHI, TO THE PETITIONER WITH COPY TO THE 1ST RESPONDENT.

EXT.R2(h): TRUE COPY OF THE FORWARDING LETTER DTD 26.02.2004 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.R2(i): TRUE COPY OF THE COMMUNICATION BEARING F NO.13-1/97-INC DTD 17.08.04, SENT BY THE INDIAN NURSING COUNCIL, NEW DELHI, TO THE 1ST RESPONDENT.

EXT.R2(j): TRUE COPY/FULL TEXT OF THE NOTIFICATION BEARING G.O.(P)NO.173/01/H&FWD DTD 28.05.01.

EXT.R2(k) C.M. APPLICATION TO CONDONE THE DELAY FOR FILING THE C.A.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.31601 OF 2006

DATED THIS THE 13th DAY OF SEPTEMBER, 2007

JUDGMENT

The petitioner is challenging Ext.P7 order. One of the grounds raised is that before passing Ext.P7 order, the petitioner had not been heard. The fact that the petitioner had not been heard before passing Ext.P7 order is not disputed before me.

2. In the above circumstances, I quash Ext.P7 order and direct the 1st respondent to reconsider the matter after affording an opportunity of being heard to the petitioner and the 2nd respondent. Fresh orders shall be passed within a period of two months from the date of receipt of a copy of this judgment. I make it clear that I have not considered the matter on merits and it would be open to all concerned to raise all their contentions including the contention of the petitioner that the representation on which Ext.P7 order has been passed is not maintainable at all.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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